

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Derrick Joseph Miles,)	Civil Action No.: 1:15-4228-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
)	
Sheriff Ed Carroll, <i>et al.</i> ,)	
)	
Defendants.)	
)	

On October 14, 2015, Plaintiff Derrick Joseph Miles, (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for review pursuant to the procedural provisions of 28 U.S.C. § 1915 and § 1915A . On November 30, 2015, the Magistrate Judge prepared a thorough Report and Recommendation, (“the Report”), recommending that this action be summarily dismissed *without prejudice* and without issuance and service of process, as Plaintiff’s Complaint fails to set out a plausible § 1983 claim and fails to establish jurisdiction for any potential state law claims. (ECF No. 10). Plaintiff filed a timely Objection to the Report, (ECF No. 12), and the matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by

the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

In light of the standards set forth above, the Court has reviewed, *de novo*, the Report and Plaintiff’s Objection. The Court has undertaken this *de novo* review, even though Plaintiff’s “Objection” consists of a single-sentence claim that Defendants discriminated against him in failing to bring charges against his wife because he is a state prisoner. (ECF No. 12). Plaintiff’s unsupported allegation is entirely insufficient to call into question any of the reasoned determinations of the Magistrate Judge.

Accordingly, the Court concurs with the reasoning of the Magistrate Judge and adopts the Report and incorporates it herein by reference, (ECF No. 10), overruling Plaintiff’s Objection. (ECF No. 12). The action is thereby **DISMISSED** *without prejudice* and without issuance and service of process.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

Columbia, South Carolina
January 6, 2016